

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

IFTIKHAR AHMED MEMON,

Plaintiff,

v.

McHENRY COUNTY COLLEGE,

Defendant.

ORDER

13-cv-715-bbc

This is a proposed civil action for monetary relief in which plaintiff, a resident of Black River Falls, Wisconsin, alleges that the defendant refuses to hire him because of his race. Plaintiff has asked for leave to proceed *in forma pauperis* and has supported his request with an affidavit of indigency. The standard for determining whether plaintiff qualifies for indigent status is the following:

- From plaintiff's annual gross income, the court subtracts \$3,700 for each dependent excluding the plaintiff.
- If the balance is less than \$16,000, the plaintiff may proceed without any prepayment of fees and costs.
- If the balance is greater than \$16,000 but less than \$32,000, the plaintiff must prepay half the fees and costs.
- If the balance is greater than \$32,000, the plaintiff must prepay all fees and costs.
- Substantial assets or debts require individual consideration.

In this case, plaintiff's monthly income is \$2,640, or \$31,600 annually. He has one dependent so his adjusted annual income is \$27,980. Plaintiff has a substantial asset of \$53,000

in savings that must be included in my consideration. Accordingly, I find that plaintiff is not indigent and must prepay the \$400 filing fee in full if he wishes to proceed with this action.¹

ORDER

IT IS ORDERED that plaintiff's request for leave to proceed *in forma pauperis* in this action is DENIED because plaintiff does not qualify for indigent status.

Further, IT IS ORDERED that plaintiff may have until November 5, 2013, in which to pay the \$400 fee for filing his lawsuit. If, by November 5, 2013, plaintiff fails to make the required payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 15th day of October, 2013.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge

¹ With the exception of habeas corpus proceedings, the fee for civil actions filed after May 1, 2013 is \$400 unless a litigant qualifies as indigent under the federal *in forma pauperis* statute, 28 U.S.C. § 1915(a), in which case the fee is \$350.